

APPENDIX L



September 17, 2024

President Charlie Baker and the Board of Governors
National Collegiate Athletic Association (NCAA)
700 W. Washington Street
Indianapolis, IN 46206

Dear President Baker and Board of Governors,

We write to express our concerns with the proposed settlement in the *House v. NCAA* case, which unduly burdens small and medium-sized college athletic programs to the benefit of larger athletic programs. We request the NCAA restructure the settlement to avoid the current agreement's devastating financial impact on smaller athletic programs in more rural states.

Name, Image, and Likeness (NIL) sponsorships have allowed student athletes to generate supplemental income beginning in 2021 with the U.S. Supreme Court's ruling in *NCAA v. Alston*. As you know, in *House v. NCAA*, a class of Division I student-athletes from the Power Five conferences sought backpay after the NCAA updated its NIL policy. Rather than litigate the issue with these student-athletes, the NCAA has decided to settle the case for \$2.8 billion.

Unfortunately, the proposed settlement is unfair for the colleges and universities in our states. Generally speaking, NIL sponsorships tend to be more popular among the bigger athletic conferences and not the smaller ones. Additionally, as Big Sky Conference Commissioner Tom Wistrill recently noted, only Power Five conferences were parties to the lawsuit and participated in settlement negotiations. Despite these facts, the proposed settlement puts programs in every state, including small and medium-sized programs in our states, on the hook for payment.

The proposed settlement will result in a huge financial hit for colleges and universities outside of Power Five conferences—nearly \$1 billion, in fact. Each of our states has between one and three Division I medium-sized colleges. According to the athletic directors at our colleges and universities, the settlement means our programs stand to lose hundreds of thousands of dollars per year. This may not seem like much to larger athletic programs, but to the student-athletes in our states, it is a significant hit to their programs.

In trying to rectify the issue of NIL payments, the NCAA must keep all student athletes across the country top of mind, not just those at athletic programs with the deepest pockets and greatest influence. We urge the NCAA to restructure the settlement to take the concerns of our colleges and universities, who make up a majority of your member conferences.

We would be happy to provide you with specific financial impacts from our college athletic programs should you need that information. Thank you for your consideration.

Sincerely,



Governor Greg Gianforte
Montana



Governor Kristi Noem
South Dakota



Governor Brad Little
Idaho



Governor Mark Gordon
Wyoming



Governor Doug Burgum
North Dakota